

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

MARC VEASEY, *et al*,

Plaintiffs,

VS.

RICK PERRY, *et al*,

Defendants.

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CIVIL ACTION NO. 2:13-CV-00193

DECLARATION OF NON PARTY STATE REPRESENTATIVE JESSICA FARRAR

My name is Jessica Farrar and I am over the age of 18 and competent in all respects to make this declaration. I have personal knowledge of the matters stated below which are true and correct.

1. I was served with a Subpoena to Produce Documents by the State of Texas, Rick Perry, the Texas Secretary of State and Steve McGraw ("Defendants") on June 6, 2014.

2. A motion to quash this subpoena was filed (Dkt # 386), however, I provided documents responsive to the Defendants' Subpoena to Produce Documents, subject to an agreement reached with Defendants to produce documents for their inspection without waiving any privilege or objection.

3. The documents identified in Exhibit A are a subset of documents included in my response to the Defendants' Subpoena to Produce Documents. I have not asserted a legislative privilege over any of these documents. Of the documents identified in Exhibit A, the following documents were kept, created, or retained in the ordinary course of my duties as a member of the Texas House of Representatives, and it was the regular practice to keep, create, or retain these documents listed below:

Farrar 007-009

Farrar 113

Farrar 205

Farrar 475

Farrar 545

4. Of the documents identified in Exhibit A, the following documents were not kept, created, or retained in the ordinary course of my duties as a member of the Texas House of Representatives, and it was not my regular practice to keep, create, or retain the documents listed below. These were emails retained in my personal email account that deal with my private political activities:



Farrar 215-217

Farrar 239-240

Farrar 449-451

"no bates numbers provided" (all 10 pages).

5. The following document identified in Exhibit A is an attorney-client privileged document. I have been a member of MALC since 1995. I was eligible to join because I am of Mexican American decent and my district is made up of no less than 50 percent Hispanic voting age population. I completed a membership application, was confirmed by the membership, and pay dues. MALC counsel has provided some legal advice to its members, and I do not waive the attorney client privilege asserted as to the below-identified document from Exhibit A:


Farrar 544

6. It is my understanding that a request has been made to the State Defendants regarding this privilege and seeking under Fed. R. Civ. P. 25(b)(5)(B) that the document be sequestered and ultimately returned or destroyed, and not be used or disclosed unless or until the Court determines the privilege inapplicable.

7. The documents identified in Exhibit A are true and correct copies of the records in my possession.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: September 4, 2014



Jessica Farrar

EXHIBIT A

First Bates Page #	Last Bates Page #	Description
Farrar000007	Farrar000009	Emails, M. Acuna Arreaza to A Campos, dated June 2, 2014, subject: Re: Voter ID Program in Texas
Farrar000113	Farrar000113	Emails, J. Farrar to jessicafarrar@sbcglobal.net, Roger Garza@house.state.tx.us, dated February 24, 2011, subject: FW: Cacus Meeting on Voter ID
Farrar000205	Farrar000205	Emails, R. Garza, dated May 21, 2009, subject: Voter ID Amendments
Farrar000215	Farrar000217	Emails, R. Garza to jessicafarrar@sbcglobal.net; rafael.anchia@haynesboone.com, lonburnam@gmail.com, marc@veasey.com, dated October 10, 2011, subject: Fwd: Article about Voter ID pre-clearance
Farrar000239	Farrar000240	Emails J. Rotkoff, to petegallego@gmail.com, jessicafarrar@sbcglobal.net, marc@marcveasey.com, awalle29@yahoo.com, dated January 14, 2011, subject: Anchia lays out "acceptable" Voter ID
Farrar000475	Farrar000475	Emails, J. Farrar to lindakj211@yahoo.com, dated May 23, 3009, subject: Re: How bout that Voter ID Bill???
Farrar000449	Farrar000451	Emails, J. Farrar to sturner@barnesturner.com, dated March 22, 2012, subject: Fw: Re: Invitation from Secretary Hope Andrade
Farrar000544	Farrar000544	Emails, T. Fischer to chairman@malc.org, dated March 24, 2014, subject: Legislative Privilege in Voter ID case
Farrar000545	Farrar000545	Emails, J. Farrar to A. Schmitz, dated February 14, 2014, subject: Re: DOJ attorney requested a meeting
no bates numbers provided	2 pages	Emails, R. Jara to jessicafarrar@sbcglobal.net, dated March 30, 2011, subject: RE: Masset Column on QR
no bates numbers provided	5 pages	Emails, C. Walker to lonburnam@gmail.com, jessicafarrar@sbcglobal.net, jiddeshotel@gmail.com, dated July 6, 2012, subject Fwd: Voter ID
no bates numbers provided	1 page	Emails, C. Walker to cliff@texashdccc.com, dated January 26, 2012, subject Voter ID Lawsuit

no bates numbers provided	2 pages	Email, C. Whitmarsh to hdhuff@gmail.com, brown_s75@yahoo.com, sameng2011@yahoo.com; dcolney@att.net; TravisCountyDemocrats@gmail.com; gbirnberg@wba-law.com; criss2802@aol.com; donkychair@aol.com; hsfunk@sbglobal.net; chocmeza@yahoo.com, dated October 6, 2011, subject: TDP STATEMENT ON TEXAS SOS RESPONSE TO DOJ ON VOTER ID (no bates numbers provided, 2 pages)
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From: [Scott, John](#)
To: [Ried, Lisa](#); [Deason, Whitney](#); [Roscetti, Jennifer](#)
Subject: FW: Veasey: Farrar Declaration
Date: Friday, September 05, 2014 4:00:02 PM
Attachments: [20140904 Farrar Declaration.pdf](#)

From: Boilard, Jacqueline on behalf of Talbot, David
Sent: Friday, September 05, 2014 3:43 PM
To: Scott, John
Cc: Eccles, Beau; Mattax, David; Clay, Reed
Subject: FW: Veasey: Farrar Declaration

Mr. Scott,

As requested, I am forwarding you the executed declaration signed by Representative Farrar. Additionally, please be advised that the representative is no longer asserting attorney-client privilege with respect to Farrar 544. Please let me know whether or not require anything else from me. I can be reached at [REDACTED] or [REDACTED]

Thank you,
David A. Talbot, Jr.

From: Eccles, Beau
Sent: Friday, September 05, 2014 3:36 PM
To: Talbot, David
Subject: FW: Veasey: Farrar Declaration

Here is Farrar's declaration as to the documents in State Defendants' proposed declaration Exhibit A. Today, however, Farrar has waived the assertion of any attorney-client privilege as to Farrar 544.

From: Hernandez, Sylvia
Sent: Friday, September 05, 2014 9:12 AM
To: Eccles, Beau
Subject: Veasey: Farrar Declaration

Sylvia Hernandez
Administrative Assistant
General Litigation Division
[REDACTED]

From: [Marianela Acuña Arreaza](#)
To: [Ariana Campos](#)
Subject: Re: Voter ID Program in Texas
Date: Monday, June 02, 2014 4:54:34 PM

Ariana, hi!

I believe I remember you too. My next week is looking pretty flexible, maybe send me a couple dates/times that work for you, and I will make sure to make it work for me too.

I was also thinking about organizing a meeting for elected officials soon, probably the third or last week of June. Ideally, we would present our plan, and figure out how different offices want to participate.

Is there a date you would prefer to meet with the other elected officials? So far I have Rodney Ellis and Sylvia Garcias' offices interested.

Sincerely,

--

Marianela Acuña Arreaza
Texas Coordinator, VoteRiders™
cell. (832) 713-6352

Facebook.com/VoteRiders
Twitter.com/VoteRiders

On Tue, May 27, 2014 at 10:57 AM, Ariana Campos <Ariana.Campos@house.state.tx.us> wrote:

Marianela:

I believe we met briefly last summer during the series of voter ID workshops you sponsored. I'd like to set up a time to meet with you about working together on future projects. Let me know what your availability is for the next couple of weeks. Thank you for reaching out to us. We're happy to include information about VoteRiders' in future communications.

Best,

Ariana A. Campos

District Director

Office of State Representative Jessica Farrar

Farrar000007

Mailing: PO Box 30099 | Houston, Texas 77249

Physical: 6515 Irvington | Houston, Texas 77022

P [\(713\) 691.6912](tel:(713)691.6912) | F [\(713\) 691.3363](tel:(713)691.3363)

ariana.campos@house.state.tx.us

From: Marianela Acuña Arreaza [mailto:txcoordinator@voteriders.org]

Sent: Friday, May 23, 2014 5:10 PM

To: Jessica Farrar

Cc: Allison Schmitz

Subject: Voter ID Program in Texas

Dear Representative Farrar,

You are hereby invited to avail yourself of VoteRiders' new Texas Voter ID Program, initially in Harris County.

VoteRiders is a national 501(c)(3) non-partisan, non-profit organization focused on making sure that no eligible citizen is denied his or her right to vote for lack of ID.

During this election cycle, VoteRiders will build a robust team of Voter Advocates and Attorney Voter Advocates in Harris County. This trained team will help citizens to secure the documents required to obtain a Texas voter ID, including copies of citizens' birth certificates and change-of-name records.

We are reaching out to local organizations along with the political community to find and help Texas citizens who have questions or need our voter ID assistance.

Please let us know how we can be of assistance to your efforts to identify your constituents who may need help. For example, it would be great if you would add VoteRiders' offer to your e-newsletters, op-eds and other outreach in your community.

Please contact us at TXcoordinator@VoteRiders.org if you would like to be kept in the loop about these efforts. VoteRiders, and most importantly, Harris County citizens, will deeply appreciate your involvement.

Sincerely yours,

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Farrar000008

Marianela Acuña Arreaza

Texas Coordinator, VoteRiders™

cell.

(832) 713-6352

Facebook.com/VoteRiders

Twitter.com/VoteRiders

Subject: FW: Caucus Meeting on Voter ID

From: Jessica Farrar (Jessica.Farrar@house.state.tx.us)

To: jessicafarrar@sbcglobal.net; Roger.Garza@house.state.tx.us;

Date: Thursday, February 24, 2011 11:11 PM

From: Rafael Anchia
Sent: Thursday, February 24, 2011 2:24 PM
To: Jessica Farrar
Subject: Caucus Meeting on Voter ID

Dear Jessica,

I appreciate all that you are doing for the Caucus and I don't want to add to your work load in any way, but, as SB 14 is scheduled to be heard and in all likelihood voted out of committee next Tuesday, March 1st, I would like to discuss with you the possibility of convening a Caucus meeting to discuss voter ID floor strategy.

My thought is to ask Luis Figueroa of MALDEF to address the Caucus on Wednesday, the day after the committee hearing, to let us know what we should be thinking about in terms of floor strategy. Then my staff can hold a working group meeting for Caucus staff on Friday to talk about amendments, etc.

I will give you a call on the way to the airport and see if we can talk this through. Thanks again for all your hard work on behalf of the Caucus and I look forward to hearing your thoughts.

Thanks,

Rafael

Subject: Voter ID Amendments

From: Roger Garza (Roger.Garza@house.state.tx.us)

To:

Date: Thursday, May 21, 2009 5:04 PM

Representatives,

As you know, it is anticipated that the House will take up Senate Bill 362 – the Voter ID bill – as early as Saturday.

To help you prepare for this divisive, controversial, and unnecessary debate, the House Democratic Caucus is making resources available to Members. First, please see the attached documents with background, Q & A, key facts and more about this issue.

Second, the House Democratic Caucus will make expert legal counsel available to review any amendments you are considering filing on the bill. If Voter ID passes, it will be subject to preclearance review by the US Department of Justice; therefore it is extremely important that any amendments proposed by Democrats be evaluated for their compliance with the federal Voting Rights Act.

While Legislative Council may assist in drafting your amendment, drafting attorneys will not be responsible for evaluating your amendment's compliance with the Voting Rights Act or other federal requirements. For this reason we ask that you submit proposed amendments to the Democratic Caucus for review at your earliest convenience.

Please submit amendments to Roger Garza at Roger.Garza@house.state.tx.us.

Sincerely,

Roger Garza

Office of Rep. Jim Dunnam

Office: (512) 463-0508

Fax: (512) 463-5934

Subject: Re: How bout that Voter ID Bill???

From: Jessica Farrar (jessicafarrar@sbcglobal.net)

To: lindakj211@yahoo.com;

Date: Saturday, May 23, 2009 10:27 PM

We're killing the Voter ID bill by talking the Calendar to death so maybe we can run out the clock. I'm coordinating the schedule for people to ask questions at the back mic. Lillian is coordinating staff members who are reading the bills and thinking up all the questions people are asking from the back mic. Gotta run! Love y'all!

--- On Sat, 5/23/09, Linda Jamail <lindakj211@yahoo.com> wrote:

From: Linda Jamail <lindakj211@yahoo.com>
Subject: How bout that Voter ID Bill???
To: "Jessica Farrar" <jessicafarrar@sbcglobal.net>
Date: Saturday, May 23, 2009, 10:14 PM

When is that vote coming up??? June the 2nd?? Ha! Ha!

Allan & I have been listing & watching ya'll all afternoon. Don't say anything to my boss & Rep. but..... she looked tired. You still look chipper.

We would like to go to bed sometimes tonight! Ya'll need to hurry up.

Linda

From: Trey Martinez Fischer <chairman@malc.org>
Sent: Monday, March 24, 2014 9:42 AM
To: chairman@malc.org
Subject: Legislative Privilege in the Voter ID Case

Members,

On Friday, many of you received an email from the House Democratic Caucus (HDC) giving legal advice concerning the Texas Voter ID case. Specifically, the HDC advised members **not** to waive legislative privilege and to reject the legal representation of the Attorney General's office. I have spoken to the legal counsel for the HDC, and he told me that his advice was to confer with parties directly involved in the litigation before issuing advice. This discussion between counsels never occurred. I urge the HDC to clearly communicate with other legislative Caucuses involved in the litigation before issuing advice on pending legal matters. This issue is too important to shoot from the hip.

The Mexican American Legislative Caucus (MALC) has been a party in all phases of the Photo/Voter ID litigation. Piercing Legislative privilege to investigate the real concerns of policymakers during the debate surrounding SB 14's passage is critical to the case.

Waiving legislative privilege is nothing new. During the Voter ID preclearance trial in Washington D.C., nearly all MALC members waived legislative privilege and responded to discovery requests that released thousands of documents to the State. There have been no negative repercussions from that discovery.

If you waived then, you ought to waive now for the sake of legal consistency. The currently requested waiver is limited in scope to documents or communications related to Voter ID; nothing beyond this scope will be reviewed. More to the point, I can't imagine that any legislator- let alone a member who represents the minority community - has anything to hide when it comes to the debate and documents surrounding the Voter ID bill. **However, if you have something to hide, maybe you shouldn't waive.**

As always, it's up to each member to decide what is best for himself or herself. It has been my experience that there is nothing to fear from waiver. If you have any questions, please contact MALC counsel Jose Garza, [210.392.2856](tel:210.392.2856).

Sincerely,

Trey Martinez Fischer
Chairman, Mexican American Legislative Caucus

Farrar000544

Subject: Re: DOJ attorney requested a meeting

From: Jessica Farrar (jessicafarrar@sbcglobal.net)

To: Allison.Schmitz@house.state.tx.us;

Cc: Ariana.Campos@house.state.tx.us;

Date: Friday, February 14, 2014 3:59 PM

Let Dave Richards' office know, too. I have no information to answer his questions with.

Sent from my iPhone

On Feb 14, 2014, at 3:49 PM, Allison Schmitz <Allison.Schmitz@house.state.tx.us> wrote:

Dan Freeman, an attorney with the DOJ voting section working on the voter ID case, called to see if he could meet with you or your chief of staff when he is in Texas next week. He will be in Houston on Tuesday and Austin on Thursday. He is particularly interested in implementation issues that the office may be aware of-- whether we know of any individuals or organizations in the district that may have had trouble with getting or using an ID to vote, and anything else you feel like would be useful.

Callback information:

202-305-4355 (office)

202-598-9648 (cell)

Allison Schmitz

Legislative Director

Office of State Representative Jessica Farrar

Capitol office 1N.8

PO Box 2910 | Austin, Texas 78768

P 512.463.0620 | F 512.463.0894

allison.schmitz@house.state.tx.us